S.B. Civil Misc. Appeal No.1049/2005

National Insurance Co. Ltd. vs. Smt. Soni Devi and others.

Date : 26.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Jagdish Vyas, for the appellant.

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Heard learned counsel for the appellant.

According to learned counsel for the appellant, it was not a case of negligence of the driver of the Bus No. RJ 19 P 0856 and, therefore, the learned Motor Accident Claims Tribunal committed error of fact in awarding compensation. It is also submitted by the learned counsel for the appellant that the driver of vehicle had no valid driving license. The appellant was not given permission to contest the claimant on facts and on the defence which were available to the driver and owner of the vehicle by the Tribunal, therefore, the appellant cannot challenge the finding recorded by the Tribunal on issue no.1 about negligence of driver of the vehicle. The appellant also did not produce any evidence to show that the driver had no valid driving license.

In view of the above, I do not find any ground to challenge the impugned award.

Accordingly, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya